IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4352 of 2005

Between:

Lala Radheshyam Jaiswal, S/o. late Shiv Narayan Jaiswal, Hereditary Trustee of Khadgeswar Mahadev Lala Temple,
Secunderabad, R/o. 2002, Lala Temple, Represented through

their G.P.A R.V. Goindekar, S/o. Late Vishunu Pant,
aged 54 years, Occ : Archaka, R/o. 2002, Lala Temple,

Subhash Road, Secunderabad.

..... PETITIONER

AND

1 The State of Andhra Pradesh, represented by its

Secretary to Government,
Endowment Department, Secretariat, Hyderabad.
2 The Asst. Commissioner of Endowments, Tilak Road,

Hyderabad - 1

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any other appropriate Writ or Direction declaring the impugned proceedings dated 14-2-2005 in Rc.No.V/312/2005 issued by the 2nd Respondent as illegal, arbitrary, unjustified and set aside the same, or pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.S.GANESH RAO

Counsel for the Respondents: G.P. FOR ENDOWMENTS

The Court at the stage of admission made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.4352 OF 2005

ORAL ORDER:

Heard both sides.

2. Aggrieved by the impugned proceedings, dated 14-02-2005, whereby the second respondent issued a notification invoking the jurisdiction under Section 15 of the Endowments Act 30 of 1987 calling for applications from the candidates who are eligible, for appointment as Trustee of Khadgeswar Mahadev Lala Temple, Secunderbad, the petitioner filed the present writ petition.

3. It appears that so far no Trust Board has been constituted for the temple in question.

4. It is the contention of the learned counsel appearing for the petitioner that the Trust Board cannot be constituted without there being the founder or anyone member at least from the founder's family.

5. If the petitioner feels that he is either the founder or a member of the founder family, he can as well approach the second respondent i.e., the Assistant Commissioner, by way of an application, as indicated in the impugned proceedings and seek appropriate relief.

6. For the foregoing reasons, suffice it to dispose of the present writ petition with liberty to the petitioner to submit an application to the second respondent i.e., Assistant Commissioner, and seek appropriate relief. Upon such application being made, the second respondent shall consider and dispose of the same, in accordance with law.

7. Accordingly, the writ petition is disposed of, at the stage of admission. However, there shall be no order as to costs.

D.S.R.VARMA, J

07TH MARCH, 2005

ISN/KRK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary to Government, State of Andhra Pradesh,
Endowment Department, Secretariat, Hyderabad.
2 The Asst. Commissioner of Endowments, Tilak Road,

Hyderabad - 1

3 Two CCs to G.P. for Endowments, High Court Buildings,

Hyderabad (OUT).

4. Two CD copies

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.4352 OF 2005

07TH MARCH 2005